

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICHARD DISHER, Individually and on)
Behalf of all Others Similarly Situated,)
)
Plaintiff,)
)
vs.) CIVIL NO. 04-308-GPM
)
CITIGROUP GLOBAL MARKETS, INC.,)
d/b/a Smith Barney,)
)
Defendant.)

ORDER

MURPHY, Chief District Judge:

On August 10, 2004, this Court remanded this action to state court for lack of subject matter jurisdiction. Defendant appealed that order, and the Seventh Circuit Court of Appeals held that this action was properly removed under the Securities Litigation Uniform Standards Act (SLUSA), 15 U.S.C. § 78bb(f), and SLUSA blocks Plaintiff's state law claims. *Disher v. Citigroup Global Mkts., Inc.*, 419 F.3d 649 (7th Cir. 2005). The Court of Appeals issued its opinion on August 17, 2005, and the mandate was entered on this Court's docket on September 13th.

In accordance with the Court of Appeals' mandate, this Court's August 10, 2004, order of remand (Doc. 36) is **VACATED**, and Plaintiff's claims are **DISMISSED with prejudice**. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: 10/25/05

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge